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Deanna L. Hasler

PATENT
Case No.: 11336/926 (P02090US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Christian Bruelle-Drews

Serial No.: 10/528,870

Filed: March 24, 2005

For: AUDIO SYSTEM WITH BALANCE SETTING
BASED ON INFORMATION ADDRESSES

Group Art Unit: 2615

Examiner: Lao, Lun S.

Confirmation No. 6224

APPELLANT'S REPLY BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is in response to the Examiner's Answer notified 07-10-2008, and has,
accordingly, been timely filed.

Introduction

The Examiner's Answer provides, as set forth below, further evidence of the Examiner's erroneous interpretation of, and failure to consider, the recitations and limitations of Appellant's claims, and of the Examiner's baseless interpretation of Yasuhara.

In the Examiner's Answer, the Examiner has supplemented the original final rejections with a number of references, citations and arguments that are new and different from those expressed in his final rejection. Appellant's response to these new and different references, citations and arguments as respects each of the claims on appeal follows.

The Appealed Claims Are Not Anticipated

Claim 1

To support his argument that Yasuhara discloses "balance setting", as recited in the appealed claims, the Examiner cites at EA 8¹ an application specification statement describing one possible result in using Appellant's invention, alleging that it defines "balance setting" as the selection of certain speakers,

Further, in the specification as filed, appellant describes the balance setting as selecting certain speakers (see specification page 2, lines 28-30), which states, "For example, if the children normally sit in the backseat, the user can adjust the balance setting of each audio source that the children want to hear to *reproduce audio outputs in only the rear loudspeakers or only in a selected subset of loudspeakers*" (emphasis added). Clearly, appellant's preferred embodiment/example shows that appellant's balance setting/control is performed through the selection/inclusion of certain loudspeaker(s). Therefore, controlling the user configurable combination of an audio source and an output speaker, via switches 91 and 93, in Yasuhara meets appellant's balance setting as claimed and as disclosed.

¹ References to the pages of the Examiner's Answer are indicated by "EA" followed by the page number.

Contrary to the Examiner's argument (EA 8), the quoted sentence of the specification at page 2, lines 28-30, does not represent either a preferred embodiment of apparatus claim 1 or a definition of "balance setting."

Claim 1 (at AB 43)² includes among its recitations an "amplifier comprising a respective balance setting for each audio source and configured to provide the respective amplified audio signal to each of a plurality of speakers" and "a control unit connected with the amplifier, and configured to adjust the respective amplified audio signals for each speaker based on each of the respective audio sources that generate the audio output signal." (Emphasis added). No such claim limitations are disclosed or suggested by Yasuhara. In Appellant's claimed invention, separate respective amplified audio signals can be adjusted and provided to each of the plurality of speakers. As well known to those skilled in the art of audio systems, the meaning of "balance setting" includes the adjustment of the volumes of each of the left and right audio speakers of an audio system to achieve enhanced depth and realism in stereophonic audio outputs.³ In addition, in providing a respective balance setting for each audio source to each of a plurality of speakers, Appellant's invention can provide an output to only a single speaker. For example, paragraph 0019 on page 6 of the specification, lines 9-15, states,

During operation, the occupant of the vehicle can adjust the balance setting by moving the horizontal and vertical adjustment bars 214, 216 to the desired location. For illustrative purposes only, the balance setting set forth in Fig. 2 has the audio outputs from the navigation system and the RDS tuner set to be audibly reproduced only on the driver side speaker. The horizontal and vertical adjustment bars 214, 216 may be adjusted to

² References to Appellant's Appeal Brief are indicated by "AB" followed by the page number.

³ "We have made clear, moreover, that the ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321, 1326 (Fed. Cir. 2005).

audibly reproduce acoustic driver recommendations on all the speakers or just one of the speakers. (Emphasis added).

Thus, the specification on page 2, lines 28-30, does not define "balance setting" as in Appellant's claims, but only indicates one result of its use in Appellant's invention, and clearly, does not describe a preferred embodiment of apparatus claim 1.

In addition, the Examiner further erroneously states, "Therefore, controlling the user configurable combination of an audio source and an output speaker, via switches 91 and 93, in Yasuhara meets appellant's balance setting as claimed and as disclosed." (EA 8 – Emphasis Added.) There is no configurable combination of an audio source with an (one) output speaker disclosed in Yasuhara, as indicated by the Examiner. Contrary to the Examiner's argument (EA 8), switch 91 of Yasuhara sets the front audio source in accordance with a signal received from controller 80 through the audio source selection buttons 24. (See Yasuhara at Figure 9, Col. 12, lines 29-37) Also, contrary to the Examiner's argument (EA 8), switch 93 is a speaker switch provided between the volume control part 87 and rear speakers 11. Switch 93 switches between connection and disconnection of the rear speakers to and from the volume control part. (See Yasuhara at Col. 11, lines 16-19) Neither of these cited Yasuhara disclosures meets Appellant's balance setting as claimed and as described. As set forth in Yasuhara at Col. 5, lines 8-25,

"In the embodiment, two front speakers 10 are provided, one front left, the other front right. Similarly, two rear speakers 11 are provided, one rear left, the other rear right. The headphone 12 is a wired headphone. The wired headphone is connected to a headphone terminal 8 providing an external input terminal 6. The volume button for adjusting the volume of the wired headphone 12 is also provided on the external input terminal unit 6. A rear user can adjust the volume of the headphone 12 by operating the volume button 9.

The headphone 13 is a wireless headphone including an infrared receiver. The wireless headphone 13 performs infrared communications with the rear controller 3 through the infrared receiver. A volume button is provided outside the headphone earcup. The volume of the wireless headphone 13 can be adjusted by the volume button. In this embodiment, a rear user uses the wired headphone 12 or the wireless headphone 13 to listen to the sound from the rear audio source.

Switching of Yasuhara's speakers 10 and 11 and headphones 12, 13 is described in Yasuhara at Col. 15, line 36- Col. 17, line 18, and is illustrated in Figure 13. Operation of Yasuhara's system provides only a 4-speaker state where sound comes out of both front speakers 10 and both rear speakers 11 and both sets of headphones 12, 13 (unless disabled), and a 2-speaker state, in which sound comes out of both speakers 11 and both speakers of headphones 12, 13, where different front and rear audio sources are selected by a user or where the user selects a two-speaker state. There is nothing in Yasuhara that discloses adjusting or providing adjustment of the balance setting, e.g., respective volumes of each of the two front speakers 10, or of each of the two rear speakers 11, or of each of the earphones of headsets 12 and 13. There is nothing in Yasuhara that discloses providing an audio output on a single speaker. Yasuhara has no disclosure of a system which would enable the adjustment of an audio output on each of its plurality of speakers.

Yasuhara discloses a system that is incapable of providing adjustment of balance settings as that term is used in Appellant's claims, and in the art.

The Examiner's Answer (EA 8) indicates that the Examiner's interpretation of "balance setting" in the final rejection has no proper basis and is contrary to the ordinary and customary meaning of the term in the art in question and as used in the specification and claims of Appellant's patent application, and also indicates that the Examiner has ignored the limitations of claim 1 regarding the adjustment and provision of respective amplified audio signals to each of the plurality of speakers.

In addition, as set forth below, in the Examiner's Answer the Examiner's statement of final rejection of claims 1 and 24 includes additional citations (EA 3), and arguments based on the additional citations (EA 7-10) that were not a part of the final rejection.

In the final rejection of Claims 1 and 24, the Examiner's reference to Yasuhara included only "a plurality of audio sources (81 and FIG. 9) connected to an amplifier (89)," but the restatement of final rejection in the Examiner's Answer (EA 3) includes "a plurality of audio sources (81 including 82, 83, 84, 85, and fig. 9, col. 10, lines 32-35) connected to an amplifier (block containing 89, 93, 87)." In the argument (EA 7-8), the Examiner states

... each of the audio sources 82, 83, 84 or 85 is configured to contribute to the output of speaker 10 and the output of speaker 11 in a particular combination, namely, "a" respective balance setting. It is noted that claim 1 does not require details of the respective balance setting such as the percentage of contributions from each of the audio sources or the percentage of contributions to each of the speakers. Thus, the argument is not persuasive.⁴

As indicated in the Appellant's Appeal Brief (AB 18) "If this statement was intended to convey that each audio source includes a respective balance setting, then it is not correct, and if the Examiner was trying to make some other point, the statement is too unclear to provide notice to Appellant of the Examiner's intended meaning." The Examiner's Answer includes nothing to clarify this statement.

In his restatement of the final rejection (EA 3), the Examiner equates Appellant's claimed amplifier connected to the plurality of audio sources to "(block containing 89, 93, 87)." Yasuhara's element 89 includes at least four amplifiers for the front and rear speakers 10 and 11 (See Yasuhara, Col. 10, lines 56-59); element 93 is an off/on switch for the two rear speakers 11 (See Yasuhara, Col. 11, lines 16-19); and element 87 is a volume control part. (See Yasuhara Col. 11, lines 16-19, and Col. 12, lines 37-43.) The Examiner further argues (EA 3, 9) that Appellant's claimed

⁴ These statements may indicate that the Examiner believes "balance setting" refers to some combined audio output of more than one of the audio sources, which is not disclosed in Yasuhara and is contrary to Yasuhara's teaching that "When the front and rear audio sources are different, the speakers are automatically switched to prevent interference between sound from the front speaker and sound from the rear speaker." (Yasuhara, col. 3, lines 57-60), and the Examiner's statement and any such belief by the Examiner are inconsistent with "balance setting" as used in Appellant's claims and by those skilled in the art.

amplifier, which is alleged to be disclosed by the so-called "block" of Yasuhara containing 89, 93, and 87, comprises "a respective balance setting for each audio source (a user configurable combination of an audio source and an output speaker, via switches 91 and 93) and configured to provide a respective amplified audio signal to each of a plurality of speakers 10, 11." Yasuhara discloses no such "each" of the plurality of speakers (10, 11). There is nothing disclosed in Yasuhara to teach any difference in the inputs to each of the two left and right front speakers 10, or to each of the two left and right rear speakers 11, or to each of the individual speakers of the headsets 12, 13.

Furthermore, as indicated above, there is no amplifier in Yasuhara comprising a respective balance setting for each audio source, which, according to the Examiner's argument (EA 9), comprises "a user configurable combination of an audio source and an output speaker via switches 91 and 93." Yasuhara discloses that his switch 91 is a front audio control switch provided between the audio source (81, 82, 83, 84 and 85) and the volume control part 87, which (switch 91) selects the front audio source to be connected to the volume control part 87 in accordance with a control signal from the controller 80, and Yasuhara's speaker switch 93 is provided between the volume control part 87 and the rear speakers 11 and functions to switch between connection and disconnection of the rear speakers 11 to and from the volume control part 87. (See Yasuhara Col. 11, lines 6-19.) Yasuhara does not disclose individual operability of each of Yasuhara's plurality of speakers (10, 11). Yasuhara teaches nothing disclosing any difference in the inputs to each of the two left and right front speakers 10, or to each of the two left and right rear speakers 11. The two rear speakers 11, if turned on by the switch 93, receive the same volume.

In arguing (EA 3, 9) that "control unit (fig. 9, (80)) includes a user interface (28, 29) for independently setting each respective balance setting of each respective audio source," the

Examiner further states that "switches 91 and 92 select audio sources 81 by controller 80 and controller 80 control switches 93-94 to speakers 11 and headphone 13 (see Yasuhara col. 4, line 10-58)."

Yasuhara, col. 4, lines 10-36 is a portion of the "Brief Description of the Drawings," and col. 4, lines 36-63 states,

DESCRIPTION OF THE PREFERRED EMBODIMENTS

Preferred embodiments of the present invention will be described referring to attached drawings.

System Overview

FIG. 1 shows components included in an entertainment system mounted on a vehicle, according to one embodiment of the invention. The entertainment system 1 comprises a head unit 2 and a rear controller 3. The head unit 2 is mounted on a dashboard in the front seat area of the vehicle so that a front user (e.g., a driver or front passenger) operates the head unit 2 (see FIG. 2(a)). Speakers 10 are provided in the front seat area, which are hereinafter referred to as front speakers. Speakers 11 are provided in the rear seat area of the vehicle, which is [sic] hereinafter referred to as rear speakers. A front user can operate the head unit 2 to select an audio source to be connected to the speakers 10 and 11 (hereinafter, referred to as a front audio source) and control the selected front audio source. Headphones 12 and 13 are provided in the rear seat area. A front user can operate the head unit 2 to select an audio source to be connected to the headphones 12 and 13 (hereinafter referred to as a rear audio source) and control the selected rear audio source. An AM/FM tuner, cassette tape player, and CD player (not shown) are mounted on the head unit 2.

Yasuhara's head unit 2 (shown in Figure 3) includes a front display unit 28 and a rear display unit 29. As set forth in Yasuhara at Col. 8, line 38-47,

The head unit 2 further comprises a twin display including a front display part 28 and a rear display part 29. The front display part 28 shows the kind and operating state of the front audio source. The rear display part 29 shows the kind and operating state of the rear audio source. Referring to FIG. 5, a display example of the twin display is illustrated. FIG. 5 shows a state in which channel 2 of FM1 is selected as the front audio source and title number 1/chapter number 27 of a DVD is selected as the rear audio source. Thus, a front user can easily check not only the state of the front audio source but also the state of the rear audio source.

Yasuhara's front display unit 28 and rear display unit 29, contrary to the Examiner's argument, provide no means for independently setting each respective balance setting of each

respective audio source, but merely display the kind and operating states of the front and rear audio sources. Furthermore, switches 91 and 92 only select, respectively, the front audio source and rear audio source to be connected, respectively, to the volume control part 87 and to the rear control part 88. Speaker switch 93 switches between connection and disconnection of the rear speakers to and from the volume control part 87, and rear control switch 94 switches between connection and disconnection of controller 80 to and from the rear controller 3 to enable or disable the rear controller 3 and remote controller 14. (See Yasuhara, Col. 11, lines 6-28).

None of these additional portions of Yasuhara cited by the Examiner support the final rejection of Appellant's claim 1 or disclose and anticipate the claimed subject matter of claim 1.

Yasuhara discloses that a user of his system can listen to one of the audio sources and control its volume on the two front speakers 10 and/or the two rear speakers 11 (or the rear headphones 12 and 13, if a different audio source is transmitted through switch 93), but as set forth in Appellant's Appeal Brief (AB 15-19), Yasuhara does not disclose an "amplifier comprising a respective balance setting for each audio source and configured to provide a respective amplified audio signal to each of a plurality of speakers," or "a control unit configured to adjust the respective amplified audio signals for each speaker based on each of the respective audio sources that generates the audio output signal." (Emphasis added).

Thus, Yasuhara fails to anticipate claim 1 (or its dependent claims 6, 7, 8, 10, and 11), and Appellant respectfully requests that the Board so find and reverse the rejection of these claims and that claim 1 and its dependent claims 6, 7, 8, 10, and 11 be allowed.

Claim 6

In the Examiner's Answer (EA 10), the Examiner states "Yasuhara teaches the system, as claimed, as discussed in detail with respect to claim 1, and that "In Yasuhara, the logic that covers

the operation of controller 80 meets the audio manager module as claimed." The Examiner, however, identifies no portion of Yasuhara that discloses "the logic that governs the operation of controller 80." Appellant's review of Yasuhara indicates that Col. 10, line 25 – Col. 14, line 14 and Figures 10 and 11 of Yasuhara may, arguably, be related to "the logic that governs the operation of controller 80," but Yasuhara contains no disclosure, including its portion at Col. 10, line 25 – Col. 14, line 14, that discloses a control unit, or an audio manager module operable to control the balance setting of the amplifier connected to the speakers based on the respective balance setting for each audio source, as indicated above in this Reply Brief, and in the Appeal Brief at AB 20-21.

Accordingly, Yasuhara does not anticipate claim 6 and Appellant respectfully requests the final rejection of claim 6 be reversed, and that claim 6 be allowed.

Claim 7

In the Examiner's Answer (EA 10-11), the Examiner states " how Yasuhara meets the claimed limitations is discussed in detail with respect to claim 1," and "Further, user interface/means for independently setting is met by the audio source control button of Yasuhara, which is a collective name for 21, 22, 23, 24 and 25 (see the denoting text in, for example, Col. 6, lines 15-22 and Col. 7, lines 36-52)." Contrary to disclosing a control unit including "means for adjustment operable to allow a user to independently adjust the balance setting of each of the respective audio sources" as described and claimed in Appellant's specification, Yasuhara indicates at Col. 6, lines 15-22 that the head unit 2 shown in Figure 3 comprises a volume/power switch 21, a rear power switch 22, a control switch 23, audio source selection buttons 24 and audio source operating buttons 25, and at Col. 7, lines 36-52, Yasuhara indicates the audio source selection buttons 24 are merely used to select an audio source, none of which comprise "means for

adjustment operable to allow a user to independently adjust the balance setting of each respective audio source," as described and claimed in Appellant's specification.

The Examiner then states (EA 11), "Each of the user selectable configurations (such as the ones discussed in col. 7, lines 36-52), represents an independent balance setting for each respective audio source." Col. 7, lines 36-52 of Yasuhara states, "The audio selection buttons are used to select an audio source," and lists audio sources that can be selected, but selection of an audio source is not a "means for adjustment to allow a user to independently adjust the balance setting of each of the respective audio sources," as described and claimed by Appellant, and no means for adjustment of the balance settings for each of the respective audio sources is disclosed by Yasuhara.

For the reasons set forth above and in Appellant's Appeal Brief (AB 20-21) with respect to claims 1 and 7, claim 7 is not anticipated by Yasuhara.

Accordingly, Appellant respectfully requests that the Board reverse the rejection of claim 7 and that claim 7 be allowed.

Claim 8

The Examiner repeats verbatim with respect to claim 8 (EA 11) his argument with regard to claim 7. Claim 8 differs from claim 7 in reciting that "the control unit includes a user interface module operable to receive a user adjustment of the respective balance setting of the user selected audio source for each respective audio source." For the reasons set forth above and in the Appeal Brief (AB 22-23) this recited element is not disclosed by the portions of Yasuhara cited by the Examiner.

Accordingly, Appellant respectfully requests that the Board reverse the rejection of claim 8 and that claim 8 be allowed.

Claim 10

In the Examiner's Answer, the Examiner's response (EA 11-12) to Appellant's Appeal Brief is "how Yasuhara meets the claimed limitations is discussed in detail with respect to claim 1 above under this section." Appellant's response to the Examiner's allegations regarding claim 1 is set forth above and in the Appeal Brief (AB 23-24). Claim 10 is not anticipated by Yasuhara.

Accordingly, Appellant respectfully requests that the Examiner's final rejection of claim 10 be reversed, and that claim 10 be allowed.

Claims 11 and 31

In the Examiner's Answer, the Examiner (EA 4) restates verbatim his final rejection of claims 11 and 31, but provides no further argument. Appellant's response to the Examiner's allegations regarding claims 11 and 31 are presented in Appellant's Appeal Brief (AB 24, 28). Claims 11 and 31 should be allowed as a result of their dependency from allowable claims 1 and 24.

Claim 24

In the Examiner's Answer, the Examiner's response (EA 12) to Appellant's Appeal Brief is "how Yasuhara meets the claimed limitations is discussed in detail with respect to claim 1 above under this section." Appellant's response to the Examiner's allegations regarding claim 1 is set forth above and in the Appeal Brief (AB 25-26). Claim 24 and its dependent claims 25, 28, and 31 are not anticipated by Yasuhara.

Accordingly, Appellant respectfully requests that the Examiner's final rejection of claim 24 be reversed, and that claim 24, and its dependent claims 25, 28 and 31, be allowed.

Claims 25 and 28

In the Examiner's Answer (EA 12-13) the Examiner restates verbatim his final rejection, "Yasuhara teaches that the audio system of the amplifier includes a balance setting circuit and the amplifier is configured to be controlled by the head unit (see figs. 1-3, 7-9 and see col. 10, line 36 – col. 11, line 67); and the audio system of the head unit includes an audio manager module operable to control the amplifier based upon the audio source balance setting for each respective audio source (see figs. 1-3, 7-9 and see col. 10, line 36 – col. 11, line 67)" and that, "It meets the claimed limitations as recited in claims 25 and 28." Appellant's response to this rejection is in the Appeal Brief (AB 26-28). Yasuhara does not anticipate claims 25 and 28.

Accordingly, Appellant respectfully requests that the final rejections of claims 25 and 28 be reversed and that claims 25 and 28 be allowed.

Claim 32

In the Examiner's Answer (EA 13), the Examiner limits his comments to the second paragraph of page 30 of the Appeal Brief, one sentence portion of which (at line 9) includes a typing error (the obviously mistaken typing of "source" rather than "setting"), and ignores the two and one-half pages (AB 29-31) relating to the patentability of claim 32. In the Examiner's Answer (EA 13), the Examiner thus ignores the claimed step "receiving selected balance settings for selected audio sources with a head unit connected to an amplifier," referring instead to the obvious typing error at line 9, on AB 30. As set forth in the Appeal Brief (AB 29-30), Yasuhara does not disclose this claimed step and fails to anticipate claim 32.

The Examiner then states, "Second, regarding selected balance settings, how Yasuhara meets the claimed limitations is discussed in detail with respect to claim 1." Appellant's response to

the Examiner's position with respect to claim 1 is set forth above, and in Appellant's Appeal Brief (AB 29-31). Yasuhara fails to anticipate claim 32.

Further, with respect to the claim 32 step of "storing the selected balance settings received from the head unit as the respective source balance settings for the selected audio sources" the Examiner states "Yasuhara further teaches the storing memory and MPU (see Yasuhara, col. 10, lines 25-35). It meets the limitations recited in claim 32." Yasuhara at Col. 10, lines 25-35, states,

FIG. 9 shows a connection form of components included in the entertainment system according to one embodiment of the invention. The head unit 2 comprises a controller 80. The controller 80 typically comprises a microprocessor (MPU), a read-only memory (ROM) for storing control programs and control data, and a random-access memory (RAM) for providing work areas for operation and for temporarily storing various data. An audio source 81 includes an AM/FM tuner 82, a cassette player 83, a CD player 84, and the DVD player 4 that is connected via an external interface 85; as described above.

This does not meet the limitations recited in claim 32 because there is no disclosure of any of the steps of claim 32, that is, "receiving selected balance settings for selected audio sources with a head unit connected to an amplifier," or "storing the selected balance setting received from the head unit as the respective source balance settings for the selected audio sources," or "reproducing an audio signal on at least two speakers based on a stored selected balance setting for one of the selected audio sources."

Accordingly, claim 32 is not anticipated by Yasuhara, and Appellant respectfully requests that the Board reverse its final rejection and that claim 32 be allowed.

Claim 33

In response to Appellant's Brief, the Examiner repeats verbatim (EA 13) the allegations in his final rejection, which have been responded to in Appellant's Appeal Brief (AB 31-32).

Yasuhara does not anticipate claim 33, and, accordingly, Appellant respectfully requests that the rejection of claim 33 be reversed and that claim 33 be allowed.

Claim 39

Except for identifying "block containing 89, 93 and 87" of Yasuhara, as the amplifier recited in claim 39 and "(such as AM FM)," presumably as exemplifying a selected passenger category, the Examiner's Answer (EA 13-14) to the Appeal Brief (AB 33-35) regarding claim 39 is verbatim the same as the Examiner's final rejection. Appellant's comments with regard to "block containing 89, 93 and 87" are set forth above at pages 6-7 of this Reply Brief. Since the Examiner's Answer (EA 14) contains no substantive new argument, no response other than that set forth in Appellant's Brief (AB 33-35) is necessary. Yasuhara does not anticipate claim 39.

Accordingly, Appellant respectfully requests that the rejection of claim 39 be reversed and that claim 39, and its dependent claims 40-42, be allowed.

Claims 40-42

In the Examiner's Answer (EA 14-15), the Examiner repeats verbatim the basis for his final rejection of claims 40-42, which are answered in the Appeal Brief (AB 36-38). Yasuhara does not anticipate any of claims 40-42.

Accordingly, Appellant respectfully requests that the final rejection be reversed and that claims 40-42 be allowed.

Claim 43

In the Examiner's Answer (EA 15-16), the Examiner supplements the basis of his final rejection by additional references to volume switch 21 and volume control part 87 of Yasuhara as follows, "... where the passenger category includes a respective balance setting for each of the plurality of audio sources (volume switch 21); receiving an adjustment for the balance setting of at least one audio source for the selected passenger category (volume control part 87) ... "

Volume switch 21 has nothing to do with the respective balance setting for each of the audio sources. For example, with respect to volume switch 21, Yasuhara states,

The volume power switch 21 includes a function of switching the power of the entertainment system 1 between "on" and "off." The volume-power switch 21 also includes a function of adjusting the volume of the front and rear speakers 10 and 11 (FIG. 1). Specifically, every time the volume/power switch is pressed, the power of the entertainment system 1 is switched between on and off. In addition, by turning the volume/power switch 21 clockwise, the volume increases. By turning the volume/power switch 21 counterclockwise, the volume decreases." (Col. 6, lines 23-32);

If the volume/power switch 21 is pressed when the rear system is "on," the entire entertainment system including the rear system, is turned off. Thus, when a user wants to listen to sound outside the vehicle, or in the case of an emergency, the user can stop all audio functions of the system 1 by simply pressing the volume/power switch 21." (Col. 6, lines 58-63);

When the entertainment system is turned on with the press of the power switch 21, the front and rear speakers 10 and 11 are connected to the front audio source, implementing a 4-speaker state. In the 4-speaker state, sound from the front audio sources comes out of both the front and rear speakers 10 and 11. (Col. 15, lines 40-45); and

Referring to FIG. 9, operation of switching of the speakers will be described. When the power switch 21 of the head unit 2 is pressed, the entertainment system 1 is turned on. The controller 80 connects the front audio source switch 91 to a predetermined audio source. The controller also turns on speaker switch 93 to connect the rear speakers 11 to the front audio source. As described above, the predetermined audio source may be arbitrarily decided. Thus, sound from the selected front audio source comes out of the front and rear speakers 10 and 11. (Col. 16, lines 30-41).

Thus, Yasuhara does not disclose the recited step of claim 43, "receiving a selected passenger category selected from a plurality of passenger categories, where the passenger category includes a respective balance setting for each of a plurality of audio sources."

Yasuhara does not anticipate the subject matter of claim 43 and, accordingly, Appellant respectfully requests that the Examiner's rejection of claim 43 be reversed and that claim 43 be allowed.

Furthermore, with respect to volume control part 87 of Yasuhara, Yasuhara states:

A volume signal is received by the controller 80 through the volume switch 21. A volume control part 87 receives the volume signal from the controller 80. The volume control part 87 also receives an audio signal from a connected front audio source. The volume control part 87 amplifies audio signal in accordance with the volume signal and outputs the amplified signal to the front and rear speakers 10 and 11 via amplifiers 89. (Col. 10, lines 52-59);

A front audio switch 91 is provided between the audio source 81 and the volume control part 87. The switch 91 selects the front audio source to be connected to the volume control part 87 in accordance with the control signal from the controller 80. (Col. 11, lines 6-10);

A speaker switch 93 is provided between the volume control part 87, and the rear speakers 11. The switch 93 switches between connection and disconnection of the rear speakers 11 to and from the volume control part 87. (Col. 11, lines 16-19); and

Furthermore, the controller 80 receives a volume signal through the volume switch 21 and sends the signal to the volume control part 87. The volume control part 87 adjusts the volume of sound from the front and rear speakers 10 and 11 in accordance with the received volume signal. Thus, an audio signal from the front audio source is sent to the front and rear speakers 10 and 11. (Col. 12, lines 37-43).

Thus, Yasuhara contains no disclosure with respect to volume control part 87 of the claim 43 step of "receiving an adjustment for the balance setting of at least one audio source for the selected passenger category." Accordingly, this claimed subject matter of claim 43 is also not anticipated by Yasuhara, and Appellant respectfully requests that the Examiner's final rejection of claim 43 be reversed, and that claim 43 be allowed.

With respect to the remaining verbatim restatement of the Examiner's original basis for the final rejection of claim 43, Appellant refers to and repeats the Appeal Brief (AB 38-40).

For the reasons set forth in the Appeal Brief and in this Reply Brief, Appellant respectfully requests that the final rejection of claim 43 be reversed, and that claim 43, and its dependent claims 44 and 45, be allowed.

Claims 44-45

In the Examiner's Answer (EA 15), the Examiner states that dependent claims 44-45 "are essentially similar to claims 40-42, and are rejected for the reasons stated above, apropos the claims 40-42." The Examiner's Answer with respect to claims 44 and 45 is the same as the Examiner's final rejection, and accordingly, is answered in the Appeal Brief (AB 36-38 and 40-42), and no further comment is required.

Since Yasuhara does not disclose the subject matter of claims 44-45 for the reasons set forth in the Appeal Brief (AB 36-38 and 40-42), Appellant respectfully requests that the final rejections of claims 44 and 45 be reversed, and that claims 44 and 45 be allowed.

Conclusion

The finally rejected claims of Appellant are not anticipated, 35 U.S.C. § 102, by Yasuhara, for the reasons set forth in the Appeal Brief (AB 12-42) and in this Reply Brief, and their final rejections should be reversed and Appellant's claims should be allowed.

Respectfully submitted,


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Enclosures

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